

SENTENCING MINUTES

Date: 02/10/2017

Reporter: Tonia Harris
Courtroom Deputy: Margaret Pham
Time: 09:11AM-10:00AM (00:49)
10:04AM-10:40AM (00:36)
10:56AM-11:20AM (00:24)
(01:49)
Case Number: 1:16-CR-00224-TSE-1

UNITED STATES of AMERICA

V.

DAN HORSKY

Counsel/Deft: MATTHW C. HICKS, MARK E. MATTHEWS, SETH KOSSMAN

Counsel/Govt: MARK LYTLE, MARK F. DALY, GARY SHAPLEY (IRS Agent)

Court adopts PSI (☒) without exceptions (☐) with exceptions: letters submitted made a part of PSIR

- Defense requests probation w/ special conditions (50 hr c/s – mentoring students as he's being doing for the last 30 years); designation for sentence all to be served in Tampa; self-surrender after Passover (April 25, 2017)
- Government requests 20 months and notes general deterrence should help guide sentence

SENTENCING GUIDELINES:

Offense Level: 25
Criminal History: I
Imprisonment Range: 57 to 71 months
Probation Range: Not Authorized
Supervised Release Range: 1 to 3 years
Fine Range: \$20,000.00 - \$20,000,000.00
Restitution: TBD
Special Assessment: \$100.00

Court departs from Guidelines pursuant to:

[☐] USSG 5H1.4
[☒] USSG 5K1.1
[☐] USSG 5C1.2

JUDGMENT OF THE COURT:

[☒] BOP: 7 months
[☒] Supervised Release: 1 year
[☒] Restitution: \$15,905,755.00 (already paid)
[☐] Order of Forfeiture
[☒] Special Assessment: \$100.00 (already paid)
[☒] Fine: \$250,000.00

SPECIAL CONDITIONS:

1. 50 hours of community service lecturing or addressing appropriate audiences. Probation officer to notify the court of defendants progress and completion.
2. The defendant is permitted reasonable travel to and from Israel to visit with his family at the discretion of the probation officer.

RECOMMENDATIONS to BOP:

[☒] Deft. to be designated to: a minimum security facility near Florida in order to remain near family
[☐] Deft. designated to facility to participate in ICC (Boot Camp) type program
[☐] Deft. to participate in the BOP 500 Hour Residential Drug Abuse Treatment program (RDAP)
[☐] Other: _____

Deft is:

[☐] Remanded [☒] Self Surrender [☐] Cont'd on same terms and conditions of release [☐] In Custody

- Defendant permitted to self-surrender no earlier than May 1st 2017

per probation officer and approval of TSE, 50 hrs c/s removed from conditions. Defendant may lecture or publish an article as directed by the probation officer. Additionally, the Court will waive drug testing for this defendant